

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,

ORDER

- v -

04 CR 0354 (NG)

STEVEN SCIPPIO,

Defendant.

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GERSHON, United States District Judge:

Pursuant to the Order of the Court of Appeals for the Second Circuit remanding the above-captioned action under United States v. Regalado, 518 F.3d 143 (2d Cir. 2008), for consideration of whether re-sentencing is appropriate, the court has concluded that re-sentencing is appropriate. The Office of Probation is directed to submit revised calculations based upon the recent amendments to the crack-cocaine sentencing guidelines and a revised recommendation for sentencing by October 14, 2009. Defendant's counsel shall make any submission regarding resentencing by October 21, 2009. The government shall file a response, if any, by October 28, 2009. Re-sentencing will be held on November 3, 2009, at 10 a.m.

SO ORDERED.

/s/ Nina Gershon

**NINA GERSHON
United States District Judge**

Dated: October 2, 2009
Brooklyn, New York